

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICO SANDERS,

Petitioner,

v.

Case No. 11-CV-00868

MICHAEL BAENEN,

Respondent.

DECISION AND ORDER

On September 14, 2011, Rico Sanders filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. Petitioner is currently incarcerated at Green Bay Correctional Institution. As part of his habeas corpus petition, petitioner moved this court to stay the proceedings in this case to give him the opportunity to exhaust one of his claims in state court. See Rhines v. Weber, 544 U.S. 269 (2005). After screening this case as required by Rule 4 of the Rules Governing § 2254 Cases, I ordered respondent to reply to the motion to stay, and, on November 8, 2011, respondent submitted a letter indicating that it does not oppose the motion. As a result, I will grant petitioner's motion.

THEREFORE, IT IS ORDERED that petitioner's motion to stay the proceedings in this case [Docket #1] is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 1st day of December, 2011.

s/_____
LYNN ADELMAN
District Judge